

25. El Salvador

CONSTITUTION OF 8 SEPTEMBER 1950. *Constitución Política de la República de El Salvador* (*Publicaciones del Ministerio de Relaciones Exteriores, San Salvador, 1950*). TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 46. The Legislative Assembly shall have power:

(29) To ratify or withhold ratification of all treaties or pacts negotiated by the Executive with other Nations. In no case may treaties or conventions that in any way restrict or affect any constitutional provision be ratified.

For the ratification of any treaty or pact which submits to arbitration any question relating to the boundaries of the Republic the approval of at least three-quarters of the Deputies shall be required.

Article 78. The Executive shall have power:

(12) To conclude treaties and any international conventions, submitting them to the ratification of the Legislative Assembly, and to see that they are implemented.

26. Ethiopia

CONSTITUTION OF 16 JULY 1931. OFFICIAL ETHIOPIAN TRANSLATION

Article 14. The Emperor has legally the right to negotiate and sign all treaties.

27. Finland

MEMORANDUM OF 13 MARCH 1951 FROM THE GOVERNMENT OF FINLAND.
ORIGINAL TEXT IN ENGLISH

1. The principal legislative regulations relating to treaties and other international agreements are included in the Form of Government Act and the Diet Act of Finland and read as follows:

(a) *Form of Government Act of 17 July 1919*

Article 33. The President shall determine the relations of Finland to foreign Powers; yet the treaties concluded with foreign Powers must be approved by the Diet in so far as they contain stipulations falling within the domain of legislation or otherwise requiring, according to the Constitution, the consent of the Diet. Decisions of peace and war shall be taken by the President with the consent of the Diet. All communications to foreign Powers or to the diplomatic representatives of Finland abroad must be made through the Minister to whose competency the management of foreign affairs belongs.

(b) *Diet Act of 13 January 1918*

Article 48. The Committee for Foreign Affairs shall be charged with preparing questions relating to the treaties, or the provisions contained in treaties, which, according to the Form of Government, should be approved by the Diet; it shall also prepare other questions relating to foreign affairs, the decision of which requires the consent of the Diet, as well as all questions of foreign policy which may be referred to it.

The Committee should receive, as often as circumstances require, a statement by the Government concerning the relations of the country with foreign Powers; the Committee can, if it judges it necessary, express its opinion on this statement.

The Committee shall also examine the report aimed at in article 29,¹ in as far as it regards relations with foreign Powers, and make such proposals as the matter may require.

The members of the Committee should observe the discretion that the Government may impose upon them in the case in point.

Article 69. Proposals tending towards the adoption of such provisions, contained in a treaty concluded between Finland and a foreign Power, as are within the legislative sphere shall be considered, whether the provisions be included in a peace treaty or other treaty, according to article 66² and, if fundamental law is concerned, according to paragraph 1 of article 67.³ However, in these cases, a bill should not be left pending.

A proposal for the adoption by the Diet of a provision, contained in a treaty, by which the State is bound to maintain during a certain time legal provisions in force, as well as a proposal aiming at the adoption of a treaty, or of a provision contained in a treaty, which without touching the legislative domain, by the terms of the Constitution requires the consent of the Diet, shall be considered without regard for the order stipulated in article 66³ and the matter shall be decided by the majority of votes. A proposal for a change in the frontiers of the State which constitutes a reduction of territory must nevertheless be carried by at least two-thirds of the votes cast to be considered approved by the Diet.

2. On the basis of these constitutional provisions there has arisen the following practice. The questions to be negotiated are first prepared by Finnish authorities, usually by the Ministry for Foreign Affairs. The initiative in concluding treaties and agreements may be taken by the President of the Republic, the Diet, or the Ministry for Foreign Affairs, and, in matters regarding the International Labour Organisation, also by the Ministry for Social Affairs.

3. The usual procedure is that the treaties and other international agreements are submitted to the approval of the Government, for which reason the signing takes place only after a preliminary approval has been obtained. After a treaty has been concluded it must be ratified by the President. When the instruments of ratification have been duly signed by the parties concerned, they are interchanged or deposited as agreed in the treaty.

¹ Referring to article 66 of the Diet Act, which requires a prior report of the Government before action is taken by the Diet.

² Which requires a majority of the votes cast.

³ Which requires two-thirds of the votes cast.

4. The terms of a treaty or an agreement are internally carried into force by a law ruling that they are to be observed. In this law the terms are not enumerated, and there is only one article referring to the treaty or the agreement. If the treaty or agreement does not include terms falling within the domain of legislation, the enforcement is carried out by a statute or other administrative measures.

5. The power to decide whether negotiations are to be entered into rests with the President of the Republic, and the negotiators are appointed and authorized by him. The treaties and other international agreements are concluded by the President alone, with exceptions mentioned in the above article 69 of the Diet Act. On account of these exceptions the Diet also plays an important role in the adoption of treaties. As public expenses require the approval of the Diet, such approval is, in practice, necessary for the adoption of treaties involving permanent expenses for the Government.

28. France

(a) CONSTITUTION OF 27 OCTOBER 1946. TEXT FURNISHED BY THE FRENCH GOVERNMENT

Article 26. Les traités diplomatiques régulièrement ratifiés et publiés ont force de loi dans le cas même où ils seraient contraires à des lois françaises, sans qu'il soit besoin pour en assurer l'application d'autres dispositions législatives que celles qui auraient été nécessaires pour assurer leur ratification.

Article 27. Les traités relatifs à l'organisation internationale, les traités de paix, de commerce, les traités qui engagent les finances de l'Etat, ceux qui sont relatifs à l'état des personnes et au droit de propriété des Français à l'étranger, ceux qui modifient les lois internes françaises, ainsi que ceux qui comportent cession, échange, adjonction de territoire ne sont définitifs qu'après avoir été ratifiés en vertu d'une loi.

Nulle cession, nul échange, nulle adjonction de territoire n'est valable sans le consentement des populations intéressées.

Article 28. Les traités diplomatiques régulièrement ratifiés et publiés ayant une autorité supérieure à celle des lois internes, leurs dispositions ne peuvent être abrogées, modifiées ou suspendues qu'à la suite d'une dénonciation régulière, notifiée par voie diplomatique. Lorsqu'il s'agit d'un des traités visés à l'article 27, la dénonciation doit être autorisée par l'Assemblée nationale, exception faite pour les traités de commerce.

Article 31. Le Président de la République est tenu informé des négociations internationales. Il signe et ratifie les traités.

Le Président de la République accrédite les ambassadeurs et les envoyés extraordinaires auprès des puissances étrangères; les ambassadeurs et les envoyés extraordinaires sont accrédités auprès de lui.

(b) MEMORANDUM OF 10 JANUARY 1953 FROM THE FRENCH GOVERNMENT

Le droit et la pratique français concernant la conclusion et l'application des traités internationaux peuvent être dans leurs grandes lignes résumés comme suit: